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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,210	05/04/2004	Roger D'Eath	P-1897	9469

7590 02/07/2006

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EXAMINER
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PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/840,210	D'EATH, ROGER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sebastiano Passaniti	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/04/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office action responsive to communication received 05/04/2004 – application papers filed and IDS.

Claims 1-15 are pending.

Following is an action on the MERITS:

#### ***Claim Rejections - 35 USC § 102 and 103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mounfield ('979). As to claim 12, reference is made to Figures 2 and 15 and the discussion in col. 8, lines 51-67 and col. 15, lines 9-31. In Figure 15, Mounfield shows an arrangement wherein the front portion and the bottom portion of the putter head each has a thickness at each central portion thereof which is substantially less than a width and a height, respectively, of the heel and toe portions. The putter head body is made of a first metal, i.e., aluminum, while the balance weight at the heel and toe ends is made of a second metal of higher density, namely lead. As the claim is cast in open

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terminology, i.e., the golf club putter "comprises", there is nothing that precludes the inclusion of a second weight at, for example, the toe end, in order to help balance the head around a longitudinal axis passing through the shaft and the cavity within which the shaft is fitted. Note that Figures 6, 8 and 9 show that a slanted elongated cavity is provided for receiving a shaft therein. As to claim 14, the loft of the club may be from 0 degrees to 9 degrees, as evidenced in col. 9, lines 60-62.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mounfield ('979) in view of Antonious ('994). To have modified the front striking surface of the Mounfield device by including a diamond pattern for enhanced traction between the club face and a golf ball would have been obvious in view of the patent to Antonious, which shows a patterned striking surface for optimum tracking accuracy from the initial ball contact with the striking face and greater increased resistance to lateral movements that may otherwise be caused by off center contact between the ball and the striking face. See col. 1, lines 45-66 and Figures 8 and 12 in Antonious.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mounfield ('979) in view of Moore ('765) and Shenoha ('863). To have modified the device in the cited art reference to Mounfield by providing a beveled bottom surface so that the sole may be positioned to the correct lie angle during address would have been obvious in view of the patents to Moore and Shenoha, which show it to be old in the art to provide a slight inclination for the sole which appears to be about 6 degrees so that a golfer may more easily place the putter in the proper position on the ground. See col. 2, lines 51-54 in Moore. See Figure 5 in Shenoha.

***Allowable Subject Matter***

Claims 1-11 are allowable over the prior art references of record. A complete reasons for allowance will be provided at such time as this application is in condition for allowance.

***Further References of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the slanted shaft arrangement in Nelson. See Figure 1 in Shmoldas. Note Figure 5 in Perry. Waites shows a sole and a weight formed of material different from that of the main body. Sun shows a face and bottom portion at the center part of the head that are thinned with respect to the width and height of the heel and toe ends of the putter.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp  
February 3, 2006

  
**Sebastiano Passaniti**  
Primary Examiner